

E. BRYAN WILSON
Acting United States Attorney

JAMES KLUGMAN
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, AK 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
Email: james.klugman@usdoj.gov

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CORNELIUS AARON PETTUS,

Defendant.

No. 3:20-cr-00100-SLG-MMS

DECLARATION OF AUSA JAMES KLUGMAN

Pursuant to L.Civ.R. 7.3(j)(4)(A), applicable in this case by operation of L.Crim.R. 1.1(b),

I, James Klugman, declare as follows:

1. I am the Assistant United States Attorney assigned to this case.
2. My practice has been to make a series of filings after a case has been set for trial, when it appears that the trial will in fact proceed. These filings include a trial brief, proposed jury instructions, proposed voir dire, and motions in limine. My experience is that the defense bar generally makes filings on a similar schedule. In

unusually complex cases these filings might take place a few weeks before trial, but it is not uncommon for them to be filed one to two weeks before trial in more routine matters.

3. Although the motion in limine at issue here was filed significantly in advance of trial, because it was not a motion within the ambit of Fed. R. Crim. P. 12, I made the decision to treat it as a motion in limine and to respond shortly before trial, once the trial date was firmly established and it was clear that the case was, in fact, going to proceed to trial.
4. I should have clarified this understanding with the court at one of the many hearings that have taken place. I regret the inconvenience that my failure to do so has caused the court and opposing counsel.
5. I conferred with defense counsel Clinton Campion after receiving the court's order. He informed me that he did not oppose the court's consideration of the government's arguments on the merits of admitting the disputed evidence.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

RESPECTFULLY SUBMITTED August 31, 2021 at Anchorage, Alaska.

/s James Klugman
JAMES KLUGMAN
Assistant United States Attorney
United States of America